

UNITED STATES DISTRICT COURT  
District of Maine

CITY OF BANGOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 02-183-B-S
	)	
CITIZENS COMMUNICATIONS	)	
COMPANY,	)	
Defendant/Third-Party	)	
Plaintiff,	)	
vs.	)	
	)	
BARRETT PAVING MATERIALS, INC.,	)	
et al.,	)	
Third-party Defendants	)	

ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on July 6, 2004 her Recommended Decision (Docket #380). Plaintiff City of Bangor filed its objection to the Recommended Decision on July 20, 2004 (Docket #383) and Citizens Communication Company filed its objection to the Recommend Decision on July 23, 2004 (Docket #388 and #393). Defendant Citizens Communications Company filed its response to Plaintiff's Objections on August 9, 2004 (Docket #396) and Plaintiff City of Bangor filed its response to Objections filed by Defendant Citizens Communications Company on August 9, 2004 (Docket #398). Defendant Citizens Communications Company has also filed a

request for oral argument on its objection (Docket #389 & #390) pursuant to Local Rule 7(f).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

The Court specifically notes that it has considered Defendant Citizens Communication Company's objection that the Recommended Decision relies on "incompetent evidence" to conclude that the tar slick at issue presents and imminent and substantial endangerment. The Court has ultimately concluded that this objection is without merit. The Court's views on this particular objection are fully explained in its simultaneously filed Order Denying Defendant's Motion to Strike the Interim Order and the Court hereby incorporates all relevant portions of the Order Denying Defendant's Motion to Strike as part of the Court's reasons for affirming the Recommended Decision after de novo review of the issue.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. Defendant Citizens Communications Company's

Motion for Setting Hearing and Oral Argument  
(Docket #389 and #390) is DENIED.

3. Plaintiff City of Bangor's Motion for Summary Judgment (Docket #313) is GRANTED IN PART by finding as a matter of law: (1) that Citizens Communications Company has succeeded to the liability of the Bangor Gas Light Company and the Bangor Gas Works, and (2) that the tar slick in Dunnett's Cove may present an imminent and substantial endangerment to health and the environment.

/s/ George Z. Singal  
Chief U.S. District Judge

Dated this 14th day of October 2004.

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